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PATENT & TRADEMARKS

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Assistant Commissioner for Patents, Washington, D.C. 20231 on

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Atty Docket No.: NUFO 028
U.S. Serial No. 09/848,914

Feb. 26, 2002

Date

Teri Muir

Teri Muir

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Chapman et al.

Serial No.: 09/848,914

Filing Date: May 4, 2001

Title: METHOD AND APPARATUS FOR TUNING A LASER

Group Art Unit: Unassigned

Examiner: Unassigned

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MAR 07 2002
OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R § 1.47

The Commissioner of
Patent and Trademarks
Washington, D.C. 20231

Adjustment date: 07/01/2002 LDIEP1
03/07/2002 KZEWIE 00000052 500815 09848914
02 FC:122 Sir: 130.00 CR

The Applicant for the above-referenced patent application respectfully requests reconsideration of Applicant's Petition Under 37 CFR §1.47(a), filed on August 28, 2001, to make an application for patent on behalf of and as agent for one co-inventor who refuses to execute a Declaration as an inventor under 37 CFR §1.63. The Applicant is the assignee and owner of the entire interest of the above-referenced patent application. This Request is responsive to the Decision mailed by the Office of Petitions on October 10, 2001 and supplements Applicant's Petition of August 28, 2001.

In the Decision mailed on October 10, 2001, the Commissioner noted that Applicant's Petition had met requirements (1), (2) and (6) of Rule 1.47, but indicated that Applicant had not met requirements (3), (4) and (5). The Commissioner stated that, upon renewed petition, the Applicant must submit the last known address of the non-signing inventor, and establish that the entire patent application package, including the specification and claims, was presented to the non-signing inventor, and that the inventor refused to sign a copy of the Declaration. Particularly, the Commissioner stated that a copy of the application papers should be sent to the last known address of the non-signing inventor by certified mail, return receipt requested, and that documentary evidence, including copies of the transmittal cover letter and return mail receipt, should be made part of the record.

03/07/2002 KZEWIE 00000052 500815 09848914

01 FC:117 920.00 CH

03/07/2002 KZEWIE 00000052 500815 09848914
02 FC:122 130.00 CH

The last known address of the non-signing inventor, is:

Paul Zorabedian
2441 Benjamin Drive
Mountain View, CA 94043.

The undersigned attorney contacted the non-signing inventor, Paul Zorabedian, via telephone on December 7, 2001. In that telephone conversation, Mr. Zorabedian confirmed that the address noted above was his mailing address. Mr. Zorabedian stated during the conversation that he would refuse to review the patent application or sign an inventor Declaration. The Declaration of the undersigned attorney, enclosed herewith as Exhibit A, further describes the efforts to present Mr. Zorabedian with a copy of the patent application and obtain his signed Declaration.

On December 10, 2001, the undersigned attorney sent a copy of the complete patent application to Mr. Zorabedian at his last known address via certified mail, with a request for return-receipt. The patent application as mailed included the specification, claims and drawings, inventor declaration, and a cover letter requesting that Mr. Zorabedian review the enclosed patent application, sign the inventor Declaration, and return it to the undersigned attorney in the enclosed, stamped and addressed envelope. A copy of the cover letter is enclosed herewith as Exhibit B.

The patent application was returned by the U.S. Postal Service to the undersigned attorney, unopened and undelivered, on or around January 15, 2002. The envelope was stamped by the Postal Service to indicate "Unclaimed". A copy of the envelope front cover, with a Certified Mail sticker and Return receipt thereon, is enclosed herewith as Exhibit C.

From the foregoing, together with the Petition and Declarations submitted on August 8, 2001 and the Declaration presented herewith, it is respectfully submitted that each of the requirements of 37 CFR §1.47 have been met by the Applicant. In that no rights in the invention are owned by Mr. Zorabedian, granting this petition would not affect Mr. Zorabedian's rights in any way. Granting of this petition is necessary to preserve the Applicant's rights in the invention.


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A three month extension of time is requested pursuant to 37 CFR §1.136(a). The Commissioner is authorized to charge our Deposit Account No. 50-0815 for any fees required under 37 CFR §1.136(a), any fees required under 37 CFR § 1.17(h), and any other fees due.

Respectfully submitted,

Date: 02/26/02

By: 
Robert C. Hall
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